

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

v.

M. JOHNSON, et al.,

Defendants.

CASE NO. 1:05-cv-00086-OWW-NEW (DLB) PC

ORDER FINDING SERVICE OF AMENDED  
COMPLAINT APPROPRIATE, AND  
FORWARDING SERVICE DOCUMENTS TO  
PLAINTIFF FOR COMPLETION AND  
RETURN WITHIN THIRTY DAYS

(Docs. 8 and 19)

Plaintiff Bryan E. Ransom ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983 and California tort law. Plaintiff filed this action on January 21, 2005. The Court screened plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A and found that it states the following cognizable claims for relief under section 1983 and California tort law: (1) a free exercise claim against defendant Johnson; (2) an Eighth Amendment failure-to-protect claim against defendants Canton, Flores, Adams, and Atkins; (3) a retaliation claim against defendants Lankford, Diggs, L'Etoile, and Alameda; (4) a retaliation claim against defendants Burruel, Case, Vance, Cary, Tennyson, and Pliler; (5) an access to the courts claim against defendants Burruel, Case, Vance, Cary, Tennyson, and Pliler; (6) a retaliation claim against defendants Rosario, Pliler, Kalvelage, DeGroot, Diggs, and Lankford; (7) a due process claim against defendants Rosario, Pliler, Kalvelage, DeGroot, Diggs, and Lankford; (8) a retaliation claim against defendant Arroyo; (9) an Eighth Amendment medical care claim against defendant Cabral; (8) an Eighth Amendment excessive force claim against defendants Bremner, Diaz, Jones, Cheema, Duran, Hulse, Mayo, Garcia, Pina, Madreno, Santos, McDowell, and Meske; (9) a state law assault

and battery claim against defendants Bremner, Diaz, Jones, Cheema, Duran, Hulsey, Mayo, Garcia, Pina, Madreno, Santos, McDowell, and Meske; (10) a right to privacy claim against defendants Bremner, Diaz, Jones, Cheema, Duran, Hulsey, Mayo, Garcia, Pina, Madreno, Santos, McDowell, and Meske; (11) a state law IIED claim against defendants Bremner, Diaz, Jones, Cheema, Duran, Hulsey, Mayo, Garcia, Pina, Madreno, Santos, McDowell, and Meske; (12) an Eighth Amendment medical care claim against defendants Bremner, Diaz, Jones, Cheema, Duran, Hulsey, Mayo, Garcia, Pina, Madreno, Santos, McDowell, Meske, Bennett, Williams, and MTA Doe; (13) a state law negligence claim against defendants Bremner, Diaz, Jones, Cheema, Duran, Hulsey, Mayo, Garcia, Pina, Madreno, Santos, McDowell, Meske, Bennett, Williams, and MTA Doe; (14) a retaliation claim against defendants Pear and Scribner; and (15) a First Amendment mail censorship claim against defendants Pear and Scribner.<sup>1</sup> Fed. R. Civ. P. 8(a); Swierkiewicz v. Sorema N. A., 534 U.S. 506, 512-15 (2002); Austin v. Terhune, 367 F.3d 1167, 1171 (9th Cir. 2004); Jackson v. Carey, 353 F.3d 750, 754 (9th Cir. 2003); Galbraith v. County of Santa Clara, 307 F.3d 1119, 1125-26 (9th Cir. 2002).

Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:<sup>2</sup>

**Captain M. Johnson**

**Sergeant P. Flores**

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<sup>1</sup> The following claims were dismissed, with prejudice, for failure to state a claim: (1) plaintiff's due process claim against defendant Johnson; (2) plaintiff's due process claim against defendants Marshal, Dill, Means, Garza, Underwood, Rangel, and Stockman; (3) plaintiff's state law IIED claim against defendant Cabral; (4) plaintiff's Eighth Amendment claim against defendants Bremner, Diaz, Jones, Cheema, Duran, Hulsey, Mayo, Garcia, Pina, Madreno, Santos, McDowell, and Meske based on violation of plaintiff's right to privacy; (5) plaintiff's state law sexual harassment and humiliation claims against defendants Bremner, Diaz, Jones, Cheema, Duran, Hulsey, Mayo, Garcia, Pina, Madreno, Santos, McDowell, and Meske; (6) plaintiff's equal protection claim against defendants Bennett, Garcia, Castaneda, Issac, Stockman, Gadsden, and Tepperman; (7) plaintiff's conspiracy claim against Bennett, Garcia, Castanada, Issac, Stockman, Gadsden, and Tepperman; and (8) plaintiff's due process claim against Bennett, Garcia, Castanada, Issac, Stockman, Gadsden, and Tepperman. (Doc. 19.) In addition, defendants Marshal, Dill, Underwood, Tepperman, Means, Garza, Rangel, Stockman, Isaac, Castaneda, Gadsden, and Ortiz were dismissed from this action based on plaintiff's failure to state any claims upon which relief may be granted against them. (Id.)

<sup>2</sup> The United States Marshal cannot initiate service of process on an unknown defendant. Therefore, the Court will send plaintiff the appropriate service documents for defendant MTA Doe at such time as plaintiff ascertains that identity of defendant MTA Doe.

**Warden D. Adams**

**J. Atkinson**

**D. Lankford**

**J. Diggs**

**E. L'Etoile**

**E. Alameda**

**B. DeGroot**

**Chief Deputy Warden Burruel**

**Chief Deputy Warden Rosario**

**Counselor J. or C. Case<sup>3</sup>**

**Captain Vance**

**Dr. Cary**

**Sergeant C. Tennison**

**Officer G. Arroyo**

**Officer Cabral**

**Officer M. Jones**

**Officer H. Cheema**

**Officer E. Duran**

**Officer R. Hulsey**

**Officer A. Mayo**

**Officer R. Garcia**

**Officer V. Santos**

**Officer H. McDowell**

**Officer Bennett**

**Officer Williams**

**Sergeant M. Bremner**

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<sup>3</sup> Identified as J. Case in the caption. It is plaintiff's responsibility to set forth the correct initial in the summons and USM-285 form.

**Sergeant S. Pina**

**Sergeant R. Pear**

**O. Madreno**

**Lieutenant A. Diaz**

**Associate Warden M. Meske**

**Associate Warden Stockman**

**Warden A. Scribner**

**M. Kalvelage**

**C. Piler**

**P. Canton**

2. The Clerk of the Court shall send plaintiff thirty-eight (38) USM-285 forms, thirty-eight (38) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the amended complaint filed August 30, 2005.
3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the Court with the following documents:
  - a. Completed summons;
  - b. One completed USM-285 form for each defendant listed above; and
  - c. Thirty-nine (39) copies of the endorsed amended complaint filed August 30, 2005.
4. Plaintiff need not attempt service on defendants and need not request waiver of service. Upon receipt of the above-described documents, the Court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

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IT IS SO ORDERED.

/s/ **Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE